



PATENT APPLICATION NO. 10/020,151
ATTORNEY DOCKET No. 62792.12
(FORMERLY 031676.00331)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

Roger S. CUBICCIOTTI

Application Number: 10/020,151

Filed: December 18, 2001

For: MODIFIED PHYCOBILISOMES
AND USES THEREFORE

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Group Art Unit: 1645

Examiner: Jennifer E. GRASER

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5/1/03

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

Dear Sir:

The outstanding Office Action mailed on March 26, 2003, requires that Applicant elect one of the following five (5) allegedly distinct inventions:

<u>INVENTION</u>	<u>CLAIMS</u>
I	1, 11, 15, 22 and 31
II	43-46
III	47-49
IV	50-54
V	55

Applicant hereby elects **claims 50-54 (Invention IV)** with traverse and respectfully requests reconsideration of the restriction requirement in view of the following remarks.

An application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. MPEP § 803.

Applicant submits that the restriction requirement is improper at least because the Office Action fails to establish that the alleged inventions are distinct. The term "distinct" means that two or more subjects as disclosed are related . . . and are patentable (novel and unobvious) over each other. MPEP § 802.01. The Office Action contends that Inventions I-IV contain products



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PATENT TRADEMARK OFFICE